

ORIGINAL

Approved: _____

KEDAR S. BHATIA
Assistant United States Attorney

Before: THE HONORABLE JAMES L. COTT
United States Magistrate Judge
Southern District of New York

19 MAG 8615

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UNITED STATES OF AMERICA : SEALED COMPLAINT

- v. - : Violations of
18 U.S.C.

SYLVAIN GNALI GNAHORE, : §§ 1344 and 2

Defendant. : COUNTY OF OFFENSE:
NEW YORK

- - - - - X

SOUTHERN DISTRICT OF NEW YORK, ss.:

ZACHARY K. GOODMAN, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation and charges as follows:

COUNT ONE
(Bank Fraud)

1. From at least in or about January 2018, up to and including at least in or about June 2018, in the Southern District of New York and elsewhere, SYLVAIN GNALI GNAHORE, the defendant, willfully and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, GNAHORE deposited manipulated versions of checks into bank accounts he controlled without being authorized to deposit the checks, and then withdrew funds from those accounts.

(Title 18, United States Code, Sections 1344 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been with the FBI for approximately two years. Through my conversations, I have become familiar with tax refund checks issued by New York State through the New York State Department of Taxation and Finance ("DTF") and by the federal government through the United States Department of the Treasury ("DOT"). Through my training and experience, I have become familiar with bank fraud and check fraud schemes involving false identities.

3. I have participated in the investigation of this matter, and I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of documents, and conversations that I have had with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents, and the actions and statements of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my conversations with DTF employees, I have learned the following:

a. New York State issues tax refund checks to taxpayers who are entitled to refunds based on their annual state tax filings.

b. DTF is responsible for processing and mailing refund checks to individuals who are entitled to them.

c. In or around February 2017, DTF issued a check to a particular individual ("Individual-1") worth \$63.00 ("Genuine Check-1"). Genuine Check-1 has security features that are designed to prevent fraud. For example, there is a serial number in the top left corner of the check that matches the amount of the check. Because the check was issued for \$63.00, the serial number on Genuine Check-1 is "000000006300." Likewise, Genuine Check-1 has a "PF number," PF1600328658, that is unique to each check issued by DTF. The Genuine Check is dated February 7, 2017.

5. Based on my conversations with DOT employees, I have learned the following:

a. DOT is responsible for issuing checks to taxpayers who are entitled to a refund based on their federal tax returns.

b. On or about April 24, 2018, DOT issued a federal refund check to a particular individual ("Individual-2") worth \$255.00 ("Genuine Check-2"). Genuine Check-2 has a unique check number in the top right portion of the check and features the last name of Individual-2 near the bottom left portion of the check.

c. On or about May 3, 2018, DOT issued a federal refund check to a particular individual ("Individual-3") worth \$550.00 ("Genuine Check-3"). Genuine Check-3 has a unique check number in the top right portion of the check and features the last name of Individual-3 near the bottom left portion of the check.

6. Based on my review of bank records and my conversations with DTF employees, I have learned that, between January and June 2018, several manipulated versions of Genuine Check-1 (together, the "Manipulated DTF Checks") were deposited into a number of different bank accounts. The Manipulated DTF Checks were altered so that they showed much larger values than the one on Genuine Check-1, and they showed different payees who were not Individual-1. Rather than showing the original payee, the payees on the manipulated checks matched the names of the account holders for the bank accounts into which the checks were deposited. However, the Manipulated DTF Checks all contained the same serial number as Genuine Check-1, 000000006300, which did not match the values on the manipulated checks, and the same PF number, PF1600328658.

7. Based on my review of bank records and my conversations with DOT employees, I have learned that manipulated versions of Genuine Check-2 and Genuine Check-3 were deposited into different bank accounts. Those checks were also altered to show greater values and different payees.

8. As set forth below, I have learned that SYLVAIN GNALI GNAHORE, the defendant, deposited manipulated versions of Genuine Check-1, Genuine Check-2, and Genuine Check-3 into bank accounts he controlled without being authorized to deposit the checks, and then withdrew funds from those accounts and otherwise using the funds generated from the manipulated checks.

The "Land Lockedi" Accounts at Bank-1

9. Based on my review of bank records, including bank surveillance photographs, I have learned the following:

a. On or about May 10, 2018, an individual opened a checking account in the name "Land Lockedi" at a national bank whose accounts are insured by the Federal Deposit Insurance Corporation ("Bank-1"). On or about the same day, an individual opened a savings account in the name "Land Lockedi" at Bank-1. The individual who opened the accounts provided a particular email address (the "Lockedi Email Address") and a particular telephone number ending in 1393 (the "1393 Number"). A foreign passport with a particular passport number ("Passport Number-1") was used to open each account. The accounts were opened at a branch of Bank-1 in the Bronx, New York.

b. On or about May 10, 2018, an individual matching the appearance of SYLVAIN GNALI GNAHORE, the defendant, based on law enforcement records, social media records, and records from the New York State Department of Motor Vehicles ("DMV"), deposited a money order into the "Land Lockedi" checking account.

c. On or about June 4, 2018, an individual matching the appearance of GNAHORE based on law enforcement, DMV, and social media records deposited a manipulated DOT refund check into the "Land Lockedi" checking account. The manipulated check has the same check number and issue date as Genuine Check-2, and features the last name of Individual-2 in the bottom left portion of the check. However, the manipulated check is addressed to "LAND E. LOCKEDI" at a particular address in New York, New York ("Address-1") and has a stated value of \$8,963.00. The manipulated check was deposited at an automated teller machine ("ATM") in the Bronx.

d. On or June 5, 2018, an individual matching the appearance of GNAHORE based on law enforcement, DMV, and social media records deposited a manipulated version of Genuine Check-1 into the "Land Lockedi" checking account. The manipulated check has the same serial number as Genuine Check-1, 000000006300, and the same PF number, PF1600328658. However, the manipulated check is addressed to "LAND LOCKEDI" at Address-1 and has a stated value of \$8,963.00, the same value as the manipulated DOT refund check deposited on or about the day before. The manipulated check is dated May 30, 2017. The manipulated check was deposited at an ATM in the Bronx.

e. On or about June 5, 2018, an individual matching the appearance of GNAHORE based on law enforcement, DMV, and social media records withdrew \$20.00 from the "Land Locked-i" checking account. The funds were withdrawn from an ATM in Manhattan.

f. On or June 6, 2018, an individual matching the appearance of GNAHORE based on law enforcement, DMV, and social media records deposited a manipulated version of Genuine Check-1 into the "Land Locked-i" savings account. The manipulated check has the same serial number as Genuine Check-1, 000000006300, and the same PF number, PF1600328658. However, the manipulated check has a stated value of \$9,965.77 and is addressed to "LAND LOCKEDI" at Address-1. The manipulated check is dated "Juin 02 2017."

g. On or about June 6, 2018, an individual matching the appearance of GNAHORE based on law enforcement, DMV, and social media records withdrew \$100.00 from the "Land Locked-i" checking account. The funds were withdrawn from an ATM in the Bronx.

10. Based on my review of telephone company records, I have learned that the user who registered the 1393 Number i.e., the telephone number used to open the "Land Locked-i" accounts, provided an email address including his first and middle names (the "Gnali Email Address") to his telephone company.

11. Based on my review of records from Google, Inc. ("Google"), I have learned that the user who registered the Gnali Email Address provided the name "Sylvain Gnali."

12. Based on my review of publicly available information from Facebook, Inc. ("Facebook"), I have learned that there is a Facebook user with the name "Opah Sylvain Gnali" and the username "opahsylvain.gnali.1." Photographs on the "opahsylvain.gnali.1" account, including the profile photograph, show an individual matching the appearance of SYLVAIN GNALI GNAHORE, the defendant, depositing manipulated checks in the "Land Locked-i" accounts, as set forth above.

The "Land Locked-i" Account at Bank-2

13. Based on my review of bank records, including bank surveillance photographs, I have learned the following:

a. On or about May 11, 2018, an individual opened a checking account in the name "Land Locked" at an international bank whose accounts are insured by the Federal Deposit Insurance Corporation ("Bank-2"). The account opening statements indicate that the account was opened using a passport issued by the Republic of Mali with Passport Number-1. The account opening statements list the Locked Email Address and the 1393 Number, i.e., the same email and phone number used to open the "Land Locked" accounts at Bank-1. The account was opened at a branch of Bank-2 in the Manhattan borough of New York, New York.

b. An image of the passport used to open the "Land Locked" account at Bank-2 (the "Locked Passport"), bearing the name "Land Locked" and Passport Number-1, shows an individual matching the appearance of SYLVAIN GNALI GNAHORE, the defendant, based on bank surveillance photographs for the "Land Locked" accounts at Bank-1 and law enforcement, DMV, and social media records.

c. On or about June 20, 2018, an individual deposited a manipulated DOT federal refund check into the "Land Locked" accounts at Bank-2. The manipulated check has the same check number and issue date as Genuine Check-3, and features the last name of Individual-3 in the bottom left portion of the check. However, rather than having a stated value of \$550.00, like Genuine Check-3, the manipulated check had a stated value of \$15,550.00. The manipulated check was addressed to "LAND LOCKED" at Address-1.

The "David Diop" Account at Bank-3

14. Based on my review of bank records, including bank surveillance photographs, I have learned the following:

a. On or about June 25, 2018, an individual opened a checking account in the name "David Diop" at an international bank whose accounts are insured by the Federal Deposit Insurance Corporation ("Bank-3").

b. An image of the passport used to open the account (the "Diop Passport") shows an individual matching the appearance of SYLVAIN GNALI GNAHORE, the defendant, based on bank surveillance photographs for the "Land Locked" accounts at Bank-1 and law enforcement, DMV, and social media records. Furthermore, the photograph of GNAHORE in the Diop Passport appears to be the same photograph as the one in the Locked Passport.

c. The Diop Passport shows the name "David Diop," a particular passport number ("Passport Number-2"), and appears to be issued by the Republic of Mali.

d. The account opening statements for the "David Diop" account at Bank-3 list the Gnali Email Address.

d. On or about July 17, 2018, an individual deposited a manipulated DOT refund check into the "David Diop" account at Bank-3. The manipulated check has the same check number as Genuine Check-2, and features the last name of Individual-2 in the bottom left portion of the check. However, rather than having a stated value of \$255.00, like Genuine Check-2, the manipulated check had a stated value of \$19,550.00. The manipulated check was addressed to "DAVID DIOP" at a particular address in the Bronx ("Address-2").

The "David Diop" Account at Bank-1

15. Based on my review of bank records, including bank surveillance photographs, I have learned the following:

a. On or about June 19, 2018, an individual opened a checking account in the name "David Diop" at a national bank whose accounts are insured by the Federal Deposit Insurance Corporation ("Bank-1"). The account opening statements indicate that the account was opened using a foreign passport with Passport Number-2, i.e., the same passport used to open the "David Diop" account at Bank-3. The account was opened at a branch of Bank-1 in the Bronx.

e. On or about June 29, 2018, an individual deposited a manipulated DOT refund check into the "David Diop" account at Bank-1. The manipulated check has the same check number and issue date as Genuine Check-3, and features the last name of Individual-3 in the bottom left portion of the check. However, rather than having a stated value of \$550.00, like Genuine Check-3, the manipulated check had a stated value of \$7,550.00. The manipulated check was addressed to "DAVID DIOP" at an address similar to but slightly different from Address-2.

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16. All of the deposits or withdrawals specifically identified in this Complaint were made at ATMs. Based on my training and experience, I know that an individual engaged in fraudulent activity is more likely to use ATMs to deposit checks or make withdrawals than to use human tellers. The reason is

that an individual engaged in fraudulent activity will not be prompted to show identification if he or she uses an ATM, which could happen if he or she transacted with human tellers.

17. When checks are deposited, the account holder is typically permitted to withdraw a certain amount of cash based on the purportedly valid deposit. In some instances, the deposited check was rejected by the bank as potentially fraudulent or otherwise defective. In these instances, the account holder was liable for the value of the cash dispensed by the bank. If the account holder declined to pay or was unable to pay, the bank was liable for the value of the cash that it dispensed.

WHEREFORE, deponent respectfully requests that a warrant be issued for the arrest of SYLVAIN GNALI GNAHORE, the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



SPECIAL AGENT ZACHARY K. GOODMAN
Federal Bureau of Investigation

Sworn to before me this
13th day of September, 2019



THE HONORABLE JAMES L. COTT
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK